IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 19575 of 2004

Between:

Kampa Prashanthy D/o.Prabhakar Rao
C/o.K.Uma Maheshwara Rao, 1-8-747/11 Nallakunta, Hyderabad.

... PETITIONER

AND

1. NTR University of Health Sciences, A.P. rep. by its Registrar, Vijayawada.
2. The Government of A.P., rep by its Secretary Social Welfare/Tribunal Welfare Department, Secretariat, Hyderabad.
3. The Director of Tribal Welfare, Masabtank, Hyderabad
4. The Government of A.P., rep by its Secretary Medical and Health, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of Mandamus declaring the action of the 1st respondent in not granting admission to the petitioner for 1st year MBBS Course (EAMCENT-2004) even though the petitioner has secured 2nd Rank in non-local ST Category and rejecting the claim of the petitioner on the ground that the petitioner is not a local candidate and even not eligible under non-local category is illegal arbitrary, discriminatory and violative of Principles of natural justice and consequently direct the respondents to grant admission to the petitioner in to the 1st year MBBS course on the basis of her ranking under non-local ST Category.

Counsel for the Petitioner : MR. KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMILY WELFARE

The Court made the following:

ORDER: -

Petitioner belongs to Scheduled Tribe community in Andhra Pradesh. Since her father, as an employee in the Central Government, is working out of Andhra Pradesh, she became a non-local candidate in Andhra Pradesh. She appeared for 2004-05 EAMCET examination and was qualified as the second non-local Scheduled Tribe candidate. She, as a non-local candidate, was held to be governed by the Rules applicable to 15% unreserved seats for admission into the 1st respondent University and was not given a seat due to lack of reservation for Scheduled Tribe candidates in that quota.

2. Basing on the letter addressed by the Director, Tribal Welfare to the Registrar of N.T.R. University (first respondent) that as per the Government of India instructions in Circular No.35/1/72-RU. (SCTV) dated 02-05-1975 and No.B.C.16014/1/82SC&BC D-I, dated 06-08-1984 Scheduled Tribe candidates of Andhra Pradesh, who have migrated to other States, are eligible for reservations/benefits meant for Scheduled Tribes in Andhra Pradesh only but not in the State to which they are migrated, and accordingly petitioner is eligible for admission into MBBS course under Non-Local Scheduled Tribe quota, father of the petitioner sent an application that petitioner may be considered as a Non-Local Scheduled Tribe woman.

3. The contention of the respondents is that since they are awaiting a clarification about reservation of seats in the 15% non-local quota, the application of petitioner was not considered.

4. The contention of the learned Counsel for petitioner is that petitioner who could not secure admission 2004-05 is appearing for EAMCET 2005 for the year 2005-06 and so appropriate direction may be issued to the respondents.

5. Since the letter of the Director of Tribal Welfare, addressed to the first respondent,

shows that petitioner is entitled to admission under
Non-Local Scheduled Tribe quota, depending on the result and rank of the petitioner, first respondent shall treat the petitioner as a Non-Local Scheduled Tribe candidate in the ensuing EAMCET examination for
2005-2006, or act as per the clarification, if any received before finalizing the lists.

6. With the above observations, the writ petition is disposed of.

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C.Y. SOMAYAJULU, J

Dt.13-04-2005

Note: Issue CC by day after tomorrow.

B/o

Glv.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Registrar, NTR University of Health Sciences,
Andhra Pradesh, Vijayawada.
2. The Secretary Social Welfare/Tribunal Welfare Department,
Government of A.P., Secretariat, Hyderabad.
3. The Director of Tribal Welfare, Masabtank, Hyderabad
4. The Secretary, Medical and Health, Government of A.P.,
Secretariat, Hyderabad.
5. Two CCs. to the G.P FOR Medical Health & Family Welfare,
High Court Buildings, Hyderabad. (OUT)

Two CD copies

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